

## **Comments in MB Docket 17-106**

### **Elimination of the Main Studio Rule and Staffing Requirements**

I submit these comments as an owner and consultant based on firsthand experience as a radio broadcaster since 1964 (full time since 1974), general manager since 1980, station owner since 1985, and founder of a daytime AM and seven small FMs, four of which I continue to own and operate. All but two have typically been staffed by two fulltime employees, and deeply involved in serving their local communities in many ways, having won numerous awards and honors from local community organizations.

In our experience, at this time, and in current and foreseeable circumstances, the main studio and staffing requirements of Section 73.1125 and the “Outer Banks Decision” are outdated, anachronistic, and counterproductive. They constitute an unnecessary and undesirable regulatory burden in the context of today’s “connected” society and communities. Radio stations commonly report that the number of annual requests from members of the general public to examine their public files is few to none. In fact, I one of our stations has ever received such a request. Rules requiring the availability of paper files at a main studio that is staffed by station personnel during regular business hours were intended to help facilitate the Commission’s regulatory mission of assuring that radio stations in markets of all sizes serve the public interest, convenience, and necessity, and in that mission are accountable to the general public. Today, however, they fail to achieve that purpose, and, in our experience, actually work against it.

I believe good cause exists for the elimination of these rules, provided stations meet two fundamental requirements that ensure and enhance accessibility and accountability:

1. The station’s public file is posted online, and
- 2, The station maintains a local or toll-free telephone number in the community of license to enable members of the public reach station personnel during regular business hours.

When a station meets the two requirements, its public service efforts become more transparent and accessible to the public than ever before. There can be no doubt that if a station’s public file is posted online, more members of the general public will become aware of its existence and avail themselves of the opportunity to review it and interact with the station and its public service efforts. Public involvement is thus enhanced and encouraged to a greater extent than ever before. Hence the Commission would not be abrogating its responsibility to assure station accountability to the general public by eliminating the main studio and staffing rules for stations meeting the two requirements.

Another justification for the old main studio and staffing rules was to insure that a station staff member is always available to facilitate the review of a station’s public file by members of the general public at all times during regular business hours. In today’s environment, this justification is no longer valid. An online public file may be viewed at any time day or night in the convenience of the home, on a smartphone or tablet, or in any public library that offers public access to a computer with internet access, as virtually every public library does. Additionally, because public libraries are intended

to facilitate and encourage access by the general public, most are accessible for many more hours than the main studios of radio stations. Public library weekend hours facilitate access for members of the general public who work during the regular business hours during which stations' main studios were required to be manned, and so were not even able to visit stations during hours specified by the old requirements.

Further, if a station's public file is available online at all times, the staffing requirements of Section 73.1125 and the "Outer Banks Decision" are not necessary to insure that a station is accountable to the general public for programming that serves its interest, convenience, and necessity. For stations meeting the two requirements noted above, the Commission should eliminate the requirement that every station maintain a fulltime staff of two, and that a staff member be physically present during regular business hours.

The operational business model for our commercially licensed radio stations is to sell advertising to local businesses to fund staff payroll and other expenses of operation. Noncommercial educational stations must raise funds for operations without the benefit of being able to sell commercials. In either case, stations are able to survive only if they can provide a living wage to employees. The old rules impose the requirement of a minimum fulltime staff of at two, and several of our stations have actually been staffed that way. The requirement that at least one staffer must essentially remain "chained" to the main studio during regular business hours restricts that staffer's ability to spend time interfacing with the general public, community leaders and organizations, advertisers, and underwriters. By reducing the amount of time available for these essential activities, the old rules operates counter to the purpose for which they were originally intended at their inception many decades ago when technology and times were different.

These requirements have been imposed even on the smallest rural stations such as ours, as well as to financially challenged AM stations, whose operations may not be able to realistically support two full time employees. Ironically, in many cases, such small and financially challenged stations are the ones that most closely adhere to the ideal model of community service. In many cases, meaningful public service programming is actually the *raison d'être* and stock in trade of small stations. Yet it is they for whom these rules constitute the greatest burden and restriction of their efforts.

For these reasons, an local main studio and two employees are no longer necessary for the purpose of assuring station public file accessibility. In today's circumstances, the main studio rules and requirements are actually counterproductive and harmful. Therefore, they can and should be eliminated when a station's public file is posted online and it maintains a local or toll-free telephone number in the community of license with a staff member generally available by phone during regular business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Jackson", with a stylized flourish at the end.

Dennis Jackson  
Owner/Founder  
WCLX, WPUT, WQQQ, and WRIP